

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES L. BENNETT,

Defendant.

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Case No. 8:05CR426

ORDER

This case is before the court on James Bennett's Motion for Drug Addiction Evaluation and Treatment (#16). The defendant requests the court to reopen the issue of detention and allow him to participate in an evaluation and, if warranted by the evaluation, treatment for drug addiction. After reviewing the December 23, 2005 Detention Order (#12), and the December 29, 2005 Pretrial Services report, I find the motion should be denied without hearing.

Bennett's proposed release to obtain an evaluation and possible treatment for drug addiction fails to adequately address the court's concerns which include Bennett's significant prior criminal record and noncompliance with previous court orders. The proposal for evaluation and possible treatment also fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED:

1. The defendant's Motion for Drug Addiction Evaluation and Treatment (#16) is denied without hearing.

Dated this 18th day of January 2006.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge